

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
JULY 18, 2006
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute and the Invocation was lead by Chief Carter.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Vice-Mayor Jeff Martinez
Councilman Jimmy Alexander
Councilman Walter Johnson
Councilman Mike Gossman
Councilman Rodney Nelson
Councilman Stan Street
Councilwoman Nancy Olson

ABSENT

Councilman Stewart Shapiro

STAFF PRESENT

Polly Shelton, Asst. City Clerk
Bob Jernigan, City Attorney
Roger Patty, Police Chief
Rob Carter, Fire Chief
Mike Turman, City Inspector
Scott Barrett, City Engineer
Wiley Rice, Jr., City Planner

2. Presentation of a 15 year service pin to Custodian, Jesus DeLoera.

This item was continued until the August 1, 2006 regularly scheduled City Council meeting.

3. Questions and Comments from Warr Acres Residents.

Mayor Tardibono read a thank you letter to the Police Department from Page VanHolland regarding the recovery of her bicycle.

The Mayor announced that Share-A-Fare was now available at the Community Center.

Also, a thank you to Police Chief Roger Patty and Ass't. Chief Markstone for donating a Warr Acres bus token from the 1930's to the future Warr Acres museum.

"Think Yellow" for the State's Centennial Celebration was also discussed, with the planting of daffodils all over Warr Acres. Information will follow in the City's newsletter.

4. Recess to enter into the Warr Acres Economic Development Authority Meeting.

The council recessed to enter into the Economic Development meeting at 8:10 p.m.

Motion by Gossman, second by Martinez to enter into Executive Session and to invite Richard Farris to stay for the session.

Poll Vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Olson, yea; Tardibono, yea.

Motion passed unanimously.

5. Convene as Warr Acres Economic Development Authority.
6. Reconvene City Council Meeting.

The council reconvened the meeting at 8:55 p.m.

7. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #8.

A.	Approval of Expenditures ****	General Fund	\$ 53,681.70
		CIP Fund	\$ 2,800.00

- B. Approval of Minutes from the June 20, 2006 Regular Meeting and Special Meeting of July 11, 2006. ****

Motion by Nelson, second by Gossman to approve the Consent Docket. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

8. Discussion and possible action on items removed from the consent docket.

Moot.

A. Nelson asked for an explanation on what the Route 66 Association membership was that we are paying for. Mayor Tardibono stated Planning Commissioner Chuck Walker said this is for the Route 66 Museum.

Nelson asked is the N.W. Chamber was budgeted. Tardibono stated it is under the General Fund in the budget.

Nelson questioned the claim on William Robertson regarding a \$30.00 license fee paid to DEQ. The clerk stated this was for a Class C Wastewater Treatment license. Nelson questioned whether or not Robertson currently helps out in the sewer department. Mayor Tardibono stated he will be helping in the future.

Motion by Martinez, second by Nelson to approve payment of the Expenditures. Poll Vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Olson, yea; Tardibono, yea.

Motion passed unanimously.

B. Nelson stated that on Item 18, June 20 minutes, his vote was an abstention. Also, Page 4, Item 9 on the June 20 minutes, the Mayor asked that this item be done verbatim.

Motion by Nelson, second by Martinez to approve the June 20, 2006 Minutes as amended. Poll Vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Olson, yea; Tardibono, yea.

Motion passed unanimously.

Motion by Nelson second by Gossman to approve the Minutes of the Special meeting of July 11, 2006.

Poll Vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Olson, yea; Tardibono, yea.

Motion passed unanimously.

9. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, City Engineer, City Planner.

Police Chief Roger Patty stated he worked warrants and brought in approximately \$1,000.00.

Fire Chief Rob Carter. Nothing at this time.

Polly Shelton, Ass't. City Clerk asked Councilman Johnson if he wanted discussion on the computer system. Johnson stated he would wait until City Clerk Ramirez was in attendance.

Scott Barrett, City Engineer. There was a problem with the sewer line at N.W. 63rd on the east side of MacArthur. The sewer department repaired the manhole. There was also a gas service line that was not located properly. The MacArthur schedule is that the contractor is trying to complete the 63rd and MacArthur before they proceed further. Johnson questioned who is pulling the test cylinders. Barrett stated that ODOT is testing the cylinders. Street stated that on the northeast corner, a lip sticks out and it doesn't look right. Barrett and Street will look at it to see if it needs to be corrected. Members questioned who was responsible for the sewer repair. Barrett stated we all worked together to see that the repair was done. The line is shallow and is actually an overflow line. During the repair it was discovered that there is a house that ties on to the line.

Brad Seale, Sewer Department. The 49th and Grove lift station had a pump that would not phase. There was a toy stuck in the line. Urban was called and they took out the obstruction. The Lodge had an overflow problem at the lake and DEQ was also out. However, this was the problem of the Lodge, not Warr Acres. The problem occurred at 10:00 and not called in to the City until 1:20. Seale stated that there were three people in the sewer department about two years or so ago. Now that there are only two people, and with the new policy of no paid overtime, there is a lot of comp time accumulated. It is hard to take the time off. Seale would like to see a third person put back in their department. Seale may not be working much longer and it would be good to have an experienced worker by the time he retires. Members asked how long it would take to train someone. Seale stated a year or so. Alexander asked why Billy Robertson wasn't helping in that department. Brad said he works for Johnny and they are shorthanded. Alexander asked why the city is paying for the license if Robertson is not helping out. The Mayor stated he would be helping.

Mike Turman, City Inspector. Twelve nuisance letters were sent out. Dollar General is expected to be open in August. Dollar Saver at 42nd and MacArthur is nearing completion; Putnam City Central light work for the ball field is continuing; as well as a remodel at PC High.

Robert Jernigan, City Attorney. He would to clarify that litigation on apartment complexes is for collection for the prior owners. Not the current owners.

10. Questions and comments from Council members.

Street has received complaints on a swimming pool at 48th and Hammond area.

Turman stated he would check in to this. Street stated that complaint is that there's not a fence around the pool. Turman stated he gave the occupant a deadline to have a fence erected or the pool gone. Street would also like the title to the police car.

Olson asked if the City could weed eat around the corner of 63rd and MacArthur. The weeds are high and it looks bad. The mayor stated she would ask Johnny Dickson to take care of.

Johnson has a complaint on the time it is taking on the MacArthur project. The Mayor stated we give out Scott Barrett's telephone number to answer any questions.

Nelson asked about the drop drain on N.W. 37th Street. It is in need of repair, and that Dickson is working on the drain and is doing a good job.

11. Final Public Hearing and possible action for an Automobile Sales Lot at 5912 NW 36th Street as a Use Subject to Review in the C4 (General Business) District. Applicant: John Thephachanh/Weldon Hugh. ****

Mike Turman reviewed the project with members. There were no stipulations made by the Planning Commission.

Motion by Martinez, second by Gossman to close the Public Hearing. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Olson, yea; and Tardibono, yea.

Motion passed unanimously.

Gossman questioned what was to be sold at the lot. Weldon Hughes, owner, stated that to sell mopeds, scooters, or for any motorized vehicle the applicant would have to have automobile dealers license. There will be no outside storage. Everything will be behind the fence. There will be parking for some automobiles for sale. He elected to also sell cars. Street questioned the old vehicles in back. Hughes stated these will be moved. Martinez questioned the old signs. Again, these will be moved. There will be a site proof fence, so no one will be able to see in the yard. There will also be landscaping.

Motion by Martinez, second by Gossman to approve the automobile sales lot at 5912 N.W. 36th Street. Poll vote: Alexander, yea; Johnson, nay; Nelson, nay; Gossman, yea, Martinez, yea; Street, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

12. Final Public Hearing and possible action on a kennel with outside runs at 5712 NW 41st Street as a Use Subject to Review in the C4 (General Business) District. Applicants: Patrick Pellegrino. *****

Mr. Pellegrino was present and reviewed the doggie daycare with members. There is an outdoor area for the dogs to run, swim and play. However, they are not a kennel and there are no dog runs. Regarding the concerns about smell and noise, clean up is done periodically throughout the day. The waste is disposed in a proper manner using a digestive enzyme. The dogs are not caged, so there wouldn't be any barking to speak of. Traffic would probably not increase that much. Not more than 20 dogs would be there at one time. The dogs would be dropped off and picked up at various times. The traffic would not be more than the 2 churches, funeral home, 3 day care facilities, a stadium for Putnam City School now have. They are open five days a week from 7 a.m. to 7 p.m. for the convenience of the customers. If all the dogs are picked earlier, they will close. The "kennel" request is misleading, but City ordinances do not have a specific category for a dog daycare. Citizens were concerned that they were a kennel. They are not. They are strictly day care. There will be no overnight boarding. Gossman asked if the ordinance could be changed to allow a dog daycare. Rice stated the ordinance can be amended. Pellegrino again stated that there would not be a barking or smell problem. He has purchased veterinarian recommended products to control odor as well as other pesticides. Street questioned confinement. Pellegrino stated the inside is air conditioned. He has a dog play area, a pool, and other activities for the dogs. David Sanger, 6617 NW 116, owns four rental properties in the area. He has been renting these for the past twenty five years. Sanger stated the facility looks good. The main concern is odor. If there is rain, the runoff would be the concern. This might be leaving the next tenant to open a kennel. The Mayor stated the next tenant would also be a use subject to review. Sherry Moser, 5715 N.W. 41. Moser is concerned about the kennel issue. Mayor stated a new tenant would have to come before the city for another special use permit. This use is for this applicant only. Moser would like to know if the business would be inspected from time to time to make sure there is no odor problem. Patricia Woodard, 5711 N.W. 41. Lives directly in front of the daycare. She would like to see someone from the city check on the business in six months to make sure it is ok. Gene Bellamy, 5517 N.W. 42. Bellamy owns a rent house at 5710 N.W. 42. Bellamy is concerned about the dog kennel, and doesn't believe it is appropriate for the neighborhood. Mayor stated that if the special use permit is for a doggie daycare, there cannot be a kennel. Pellegrino stated no one has been by to look at his facility. He would be happy for the neighbors to come by and see the facility. All he would like is a fair shake. The dog waste would be taken care of with a container covered with lime. There will not be a smell. He would be willing to have a health inspector come by once a week or once a month. Street would like to visit the applicant's facility, and would like to continue this until the next City Council meeting.

Motion by Street, second by Martinez to continue the Public Hearing until August 1, 2006. Poll vote: Alexander, yea; Johnson, nay; Nelson, nay; Gossman, yea, Martinez, yea; Street, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

13. Final Public Hearing and possible action on the preliminary plat for 5200 NW 46th Street. Owner; applicant/Representative: Lynn Martin/Chris Gray. *****

Building Inspector Mike Turman stated that the applicant asked that this item be continued until August 15, 2006. The applicant or representative was not present. However, there were several citizens present, so council agreed to hear their concerns at this time.

Ethel Key, 5212 N.W. 46th Drive stated she lives where the storm drainage begins. The drain is between her property and the Charles Barber property. (pictures are in the packet) When her property floods, the water can be as deep as eight to ten inches. She is concerned about the storm drain. With ten new homes, she is afraid of the additional flooding potential.

Bob Wehba, 4701 N. Harvard. Wehba asked if a drainage plan had been submitted, and questioned how the preliminary plat can be approved with out the plan. City Attorney Bob Jernigan stated that the Council would accept the preliminary, and then the developer would go out and have a drainage study and other issues discussed completed prior to the final plat being approved. There are six items the developer must address before final approval can be given. Wehba is concerned about the drainage before any approvals can be given. Nelson questioned where preliminary plats are talked about in the code. Jernigan stated as a practical matter the council would approve the preliminary plat before the developer goes to the expense of all the studies.

Bob Wall, 4608 N. Libby. Wall stated he is opposed to the development. Wall questioned the continuation. The Mayor stated that the developer has asked for a continuation so they could address the six items staff presented. Wall is also concerned about the drainage.

Charlie Barber, 5208 N.W. 46 Drive. His property adjoins the current storm drainage. Barber stated when it rains, his back yard runs like a river. With the development, it will force the water back into the drain. The current area is already eroding. Additional runoff will make it worse.

Carl Holstein, 4609 N. Libby. The preliminary plat is for ten houses. If the preliminary plat isn't acceptable, how can the project go forward? His concerns were stated at the planning commission. Drainage is the main issue. Holstein corrected most of his flooding problems with work he had done on his property.

He doesn't want to see his property devalued. He would like to see the project done right. If the preliminary plat is not ok now, how can we go forward with it? Holstein would to see the project denied.

Nelson stated there are issues that need to address regarding incomplete information. The planning commission needs to have all the work done before they send it on to council for approval.

Motion by Nelson, second by Johnson to close the Public Hearing. Turman stated that he developer doesn't wan to spend a lot of money until he feels the project be accepted. Nelson stated if the items that the City Engineer requested were complete, we could go forward. City Engineer Scott Barrett stated the process we are following is the standard process every city in Oklahoma. A preliminary plat is a conceptional plan of what they are intending to do. The purpose is to get the opinions and concerns of the neighbors. There are obviously concerns on the drainage. If all the issues are not addressed regarding the engineering, the final plat will not be approved. Nelson doesn't want to approve anything until all the issues are addressed. If we approve this, the developer goes forward, spends money, and we deny the project, he could sue the City. Turman stated there are two issues here. The flooding condition that exists and the fact that the existing homes and drainage were designed poorly from the beginning. Gossman stated he would like to see all the items addressed, and give the developer an opportunity to make amendments where the citizens and City are satisfied. Martinez asked if they go forward if this would help the flooding problem. Barrett stated potentially this could help resolve the flooding problem. Barrett stated one of the conditions is that they do a detention study, to make sure they do not increase the amount of runoff from the development to downstream where it is going now. They are not allowed to increase the amount of runoff or the velocity of the runoff, and to make it worse. Barrett stated the City would like to proceed and see the developer do the drainage studies which could fix an already existing problem. After the preliminary plat approval, staff will review all the information and make decisions at that time. The final plat will not be placed on the agenda until all the questions have been answered. Holstein again asked if the preliminary plat was for ten houses. Nelson stated the letters received and citizens in that area don't want the project. Wiley Rice, City Planner stated the design situation may have to be altered when the drainage study is done. The drainage study may also point out there may be drainage obligations needed by the city. Street would like a continuation so the developer can address these issues. Nelson would still like the project stopped. Gossman asked the citizens if they still object to the project. Wall made an alternate proposal to the council. Gossman asked, if this fixes the flooding problem, would they agree. Citizens still voiced concern.

Motion by Nelson, second by Johnson to close the Public Hearing. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, nay; Martinez, nay; Street, yea; Olson, nay; and Tardibono, nay.

Motion failed.

Motion by Gossman, second by Martinez to continue the hearing until August 15 2006. Poll vote: Alexander, nay; Johnson, nay; Nelson, nay; Gossman, yea, Martinez, yea; Street, nay; Olson, yea; and Tardibono, yea.

Motion Failed.

Motion by Nelson, second by Gossman to deny the preliminary plat. Alexander, yea; Johnson, yea; Nelson, yea, Gossman, yea; Martinez, yea; Street, yea; Olson, yea; Tardibono, yea.

Motion Passed Unanimously.

14. Final Public Hearing and possible action on a church in the east half of the building located at 5833 NW Expressway as a Use Subject to Review in the C4 (General Business) District. Applicant: Mark Allen. ****

Kevin Penry, 7407 E. Covell Road, Edmond. Penry passed out information to council. There is a similar location on the south side of Oklahoma City at I-240 and Walker, in a space that had been vacant for two years. They have had an excellent relationship thus far. The space next to Incredible Pizza is a good location for their church. While sales tax revenues may not come directly from their presence inside that building, there will be significant sales tax revenues generated from people attending those services. At the present time their data base shows over 1,000 people from this zip code that attends one of their campuses in the city area. Typically, there are two Saturday experiences, and often times people will go out to dinner and shopping afterwards. Sunday experience will also generate lunch etc. This is more than just drive by traffic. This will be their destination. There will be a similar degree of positive activity in this area, as shown in south OKC. They know how to interact with their neighbors in retail, and work well with them. They look forward to being a part of this community, and hope we'll see the mutual benefit that exists. They want to be here, and ultimately there will be tax dollars generated from this property that is setting vacant. The Mayor asked what was the recommendation of the Planning Commission. Turman stated they recommended approval, with no stipulations. Martinez asked how many seats will the new church have. Penry stated there would be 800. Attendance would be similar to the south side location. Currently the south side has typically 3,000 in attendance. They have several experiences per day. Martinez stated that 2500 people in Warr Acres wouldn't be bad. Penry stated they would draw heavily from Yukon, Mustang, Piedmont, Okarche and north OKC.

Motion by Martinez, second by Gossman to close the Public Hearing. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Nelson questioned how many businesses were within 300' of the property. Turman stated that 42 notices were sent out, and two returned as of July 12th and zero protests. Nelson asked how many were businesses. Turman stated he didn't know. Gossman referenced the Incredible Pizza letter. Nelson counted approximately 13 businesses. Nelson was concerned that these businesses would not be able to serve any kind of liquor. They would be legally non-compliant. Turman stated the 300' would encompass the 12 acres. Nelson said the measurement would be from property line to property line, not building to building. The zoning code could be modified if we are too restrictive. Jernigan stated that C-4 needs to be looked at. Nelson stated we are negatively affecting future business. Members would like to look in to changing the ordinance. Nelson stated that the more churches we get, the more our tax dollars go down, it is a poor argument. The church says they are going to bring more people in to do business in Warr Acres. His contention is that we are inflicting a liability on surrounding property owners. Martinez stated we cannot restrict churches.

Motion by Martinez, second by Gossman to approve Life Church located at 5833 NW Expressway. Poll vote: Alexander, nay; Johnson, nay; Nelson, nay; Gossman, yea, Martinez, yea; Street, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

15. Discussion and possible action on the continuous flushing of the water main at 47th and State that is deteriorating the streets. *Johnson*

Johnson asked Jernigan if he had any information. Jernigan stated he finally found the original agreement. The exhibits were not attached. He will keep them informed.

16. Discussion and possible action and review of the MacArthur contract. *Shapiro*

Councilman Shapiro was unable to attend tonight's meeting, therefore this item will be rescheduled for August 1, 2006.

Motion by Martinez, second by Nelson to continue this item until the August 1, 2006 meeting. Poll Vote: Alexander, yea; Johnson yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Olson, yea; Tardibono, yea.

Motion Passed Unanimously.

17. Discussion and possible action on lifting the hiring freeze to allow Chief Patty to replace Officer Clark who left in May. *Gossman*

Councilman Gossman asked to pull this item for a short time.

18. Discussion and possible action on dropping back to one meeting a month but holding the second meeting date in order to handle Public Hearings from the Planning Commission and Economic Development meetings as needed. *Nelson*

Councilman Nelson stated that this it's a good idea. What really ties the meeting up are Economic Development meetings, and public hearings from the Planning Commission. We need a meeting that is nothing but business, which has doesn't have an awards assembly or photos at the front of the meeting. People need to show up on time and conduct business. The Mayor stated if we are going to cut any meetings, we have to remember the second meeting is really the most important because that is the one where we have Planning Commission recommendations to vote on. If we don't have a meeting right after that, people waiting for approval have to wait three weeks until the first meeting. Nelson read the item again. Dropping back to one meeting a month, by holding the second meeting date in order to handle public hearings from the Planning Commission and Economic Development meeting as needed. So, we will have one meeting that is nothing but business of the City Council, the second meeting will only handle Economic Development and Planning Commission special uses and things like that. We won't be holding anybody up. We would still publish at the same time we publish the Planning Commission meeting and it might expedite the meetings to some degree. He would like to see a meeting that is nothing but business. We started five minutes late this time, most the time we take six pictures and hand out awards. We need one meeting that is nothing but business. We show up on time, and we conduct the items on the agenda.

Motion by Nelson, second by Street to go to one meeting per month but holding the other date in order to handle public hearings from the Planning Commission and Economic Development meetings as needed.

The Mayor stated basically Nelson is saying that we are going to continue having two meetings because we are having one for just business, and one for the Planning Commission and Economic Development Authority. So you are actually saying that we are still going to have two meetings. Nelson stated we are holding open the second date. The meeting won't necessarily happen. Mayor stated we can't do that. Nelson stated we could. Nelson stated we only need one regular meeting per month. Jernigan stated that there would only be one meeting per month filed with the Secretary of State. Nelson agreed. Mayor stated we are causing a lot of confusion. Say for instance something comes up during the month that you want to work on and you have designated that second meeting if it is called, is only for Planning Commission or Economic Development and if you

have something the needs to be taken care of, that means you cannot do it on that meeting, you have to wait for three weeks until you go to the first meeting of the month. It is 11:15, and we are still here because we are not finished with business because we have so much business to do. She would suggest gentleman that we re-think this. It will confuse things, we will have to call a special meeting, and you would have to put the notice out 24 hours in advance. You wouldn't have time to put things on the agenda. She believes that we have done very well since we have had two meetings once a month. That was put on in the first year of her administration to help out with the Planning Commission and help expedite items for people. This needs to be rethought. Nelson stated we operated for years with one meeting, it doesn't hurt that much, and that another meeting can be held if necessary. Nelson motion stands.

Poll Vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, nay; Martinez, yea; Street, yea; Olson, nay; Tardibono, nay.

Motion passed.

Jernigan stated that the meetings are done through form of resolution. He will get back to council.

19. Discussion and possible action and review of the vacation cash in policy.
Martinez

Councilman Martinez at the last council meeting we had discussed vacation time being cashed in. He did not understand that the buy back policy did not include police and fire. Under the current policy, you have to take eighty hours in order to cash in any time. Even if you want to buy ten hours, you would have to take another eighty off. He did not understand that. However, he understands that this is a huge unfunded liability that we could encumber. Some action needs to be taken. He does not want to penalize the non-contract. Employees need to limit the buy back to forty hours per year. And that is it. Former Mayor Tommy Pike stated that back in the early 90's the city bought back almost four hundred thousand dollars for all the built up time. That was comp time and all for department heads. Olson stated that some of that went to other departments, not just city hall. Pike fears we are getting into the same trap. Patty stated that this was FLSA. The time was banked time. The city made a conscience decision per Jean Drake to pay everybody on the books. Patty stated that FLSA said we have to pay overtime. The City has set up a policy for comp time. Mayor stated she would like to go back to the way it was. Martinez would really like to cap it off. Olson stated people need to take time off. The new police will only allow someone to cash in 40 hours per year.

Motion by Martinez, second by Street to continue until the August 1, 2006 meeting.

Poll Vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Olson, yea; Tardibono, yea.

Motion passed unanimously.

20. Discussion and possible action on changing the way multi-family units are charged for trash service. *Nelson*

Councilman Nelson stated he had done a lot of work compiling this information. The utility clerk gave him information to work from. The multi-family rates are on the chart as follows. We recently stopped the dumping at the city yard, and Nelson would like to find a way to fund the yard dumpsters without raising rates. Nelson read his chart. (see as attached) Nelson then reviewed the charts and proposed fees showing the gallons per unit for the apartment complexes, with 202 gallons per yard. Because of all the variations of pickup, Nelson would like to limit the gallons to 80.8 gallons per apartment unit per week. This would be two pickups per week. The cost would be \$7.50 per apartment unit. The number of eight yard dumpsters that would be needed is three. The per apartment unit fee is not a set rate. It could be higher or lower. Currently, apartment residents can put a couch in the dumpster, but single family residence cannot. Nelson is trying to find a way to allow the yard dumpsters to be paid for without raising fees. No action needs to be taken tonight. Everyone should review the chart and discuss this again in September's regular meeting. Nelson would like to see an ordinance drafted separating this from the regular commercial. Jernigan will have something drafted for September.

21. Discussion and possible action on fixing the garage fueling system. *Martinez*

Councilman Martinez stated he is still working on the garage fueling system. Our equipment is older and finding someone to work on it has been hard. Martinez has found Petroleum Marketers and a list of equipment has been given to them to see what they can find out. The new computer at the garage can be used for reports etc. with the system. Petroleum Marketers will be out sometime next week to look at our system and hopefully come up with solutions.

22. Discussion and possible action on investigating the Sanitation Department. *Johnson* ****

Councilman Johnson stated that at the last council meeting, members stated they would like to investigate more than just the sanitation department. The Mayor stated that one of the reasons was the sale of the garbage truck at the auction. The records were found that the truck had been surplused in 2002 before Pam or the Mayor were involved. Information is in the packet showing Jim Kellog surplused the truck and Chris Wood approved it. Kellog was the mechanic. Martinez

questioned why it took so long to auction the truck. Mayor stated we were using it for parts. Johnson would still like to set a surplus policy. Members can get together prior to the next auction to review all surplus items.

23. Discussion and possible action on initiating litigation to determine legal status of Grove Street. including, but not limited to, discussion and possible action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceedings in the public interest. *Jernigan*

Motion by Alexander, second by Olson to enter into Executive Session for item 23 and 24, and invite Kelly Work, Windtree Condominiums and to also to invite the utility billing clerk. Poll Vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yes; Olson, yea; Tardibono.

Motion passed unanimously.

The Council entered into Executive Session at 9:23 p.m.

24. Discussion and possible action concerning possible litigation to recover utility debt to the city, including, but not limited to, discussion and possible action on entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4), confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceedings in the public interest. *Jernigan*

Motion passed unanimously.

City Attorney Bob Jernigan stated that given instructions in Executive Session, the attorney's will proceed with litigation.

Motion by Martinez, second by Gossman to authorize the city attorney to initiate litigation if necessary for the collection of the accounts for Woodbrier Apartments, The Lodge, and Sierra Point Apartments.

Poll Vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Olson, yea; Tardibono, yea.

Motion passed unanimously.

The council returned to open session at 10:19 p.m.

25. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

Moot.

26. Adjournment.

Motion by Gossman, second by Martinez to adjourn. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, nay; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The council adjourned at 11:43 p.m.

Respectfully submitted,

Polly Shelton
Ass't. City Clerk

MINUTES
WARR ACRES ECONOMIC DEVELOPMENT AUTHORITY MEETING
JULY 18, 2006

The Economic Development meeting was convened at 9:23 p.m.

ROLL CALL

PRESENT

Chair Marietta Tardibono

Vice-Chair Jeff Martinez
Trustee Jimmy Alexander
Trustee Walter Johnson
Trustee Mike Gossman
Trustee Rodney Nelson
Trustee Stan Street
Trustee Nancy Olson

ABSENT

Trustee Stewart Shapiro

1. Approval of Minutes of the Meeting of Economic Development Authority Regular Meeting of June 20, 2006 and Special Meeting of July 6, 2006.

Motion by Gossman, second by Nelson to approve the minutes. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Motion by Nelson, second by Martinez to approve the Minutes of the July 6, 2006 special meeting. Poll Vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, abstain; Martinez, yea; Street, yea; Olson, yea; Tardibono, yea.

Motion passed unanimously.

2. Approval of claims. **** \$ 9,717.98

Motion by Gossman, second by Olson to approve the payment of the claims. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

3. Discussion and possible action on possible sale or proposals and possibly entering into Executive Session as allowed under 25 O.S. Supp 307 (C)(10), All nonprofit foundations, boards, bureaus, commissions,

agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

Motion by Gossman, second by Martinez to enter into executive session, and invite Richard Farris. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The trust entered into executive session at 8:10 p.m.

The trust returned to open session with no action taken at 8:55 p.m.

4. Adjournment of the Warr Acres Economic Development Authority Meeting.

Motion by Gossman, second by Martinez to adjourn. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea, Martinez, yea; Street, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The Economic Development Authority adjourned at 8:55 p.m.

Respectfully submitted,

Polly Shelton
Asst. City Clerk